

SAFE SCHOOLS MODEL POLICY

I. Premise:

Students, staff, and community neighbors and visitors should experience an environment at school, on the school grounds, during school or while using district-provided transportation, and at school sponsored activities that is safe, conducive to learning and free from disruption and violence.

II. Definitions:

- A. School-related activity means any activity or meeting sanctioned or supported by the school, including transportation of students in vehicles dispatched by the district.
- B. Exclusion means the removal of a student from a school program, but not necessarily the cessation of all education services, and includes:
 - 1. Suspension: a mandatory interruption of attendance or participation in from a specific school or program for a period of 90 school days or less.
 - 2. Expulsion: termination of attendance or participation in a school or program for a period in excess of 90 school days.
- C. Student means any person of school age.
- D. Imminent danger means the appearance of threatened and impending injury which would lead a reasonable and prudent person to attempt an instant defense; something which is threatening to happen at once, something close at hand, something which is close, although not yet touching, or on the point of happening.
- E. Habitually disruptive behavior [also defined in 53A-11-904(2)(b)] means a student who has caused a disruption in a classroom, on school grounds, on a school vehicle, or at school activities or events more than five times during the school year and whose behavior was initiated, willful and overt and required the attention of school personnel to deal with the disruption.
- F. Gang means a group of people who form an allegiance and engage in a range of anti-social behaviors that may include violent or other unlawful activity. These groups may have a name, turf, colors, symbols, or distinct dress, or any combination of the preceding characteristics.
- G. Remedial discipline plan means a written plan developed by the school in consultation with, the student to be disciplined and the parent which **may** include

any combination of the following or any other action discussed by the parties:

1. exclusion of the student from school for a pre-determined time or until certain conditions are met;
2. specific behavior standards for the student which, when met by the student, allow for designated rights or privileges;
3. in-school suspension;
4. community service;
5. restitution for damage or harm.

H. Proactive intervention strategy means a preventive strategy intended to stop or deter problem behaviors before they occur. A proactive or preventative strategy anticipates problem behaviors and uses a predetermined set of consequences (positive or negative) to intervene.

I. Parent means parent or legal guardian.

III. Provisions governing the conduct of school age individuals:

A. Students shall:

1. be given notice of applicable rules of conduct;
2. comply with applicable rules of conduct as well as all federal, state and local laws and ordinances; and
3. show respect for other people and obey persons in authority at the school.

B. Students may not:

1. possess, use, sell or attempt to possess, use or sell any firearm, weapon, knife, explosive, firework, chemical weapon, flammable material, martial arts weapon or other instrument including those which eject anything, or other material dangerous to persons or property, or any replica or facsimile of any of the above, regardless of intent and whether functional or nonfunctional.
2. cause, attempt, threaten or conspire to cause damage to personal or real property, or cause, attempt, threaten or conspire to cause harm to a person or persons, individually or in groups or gangs, through:
 - a. arson (UCA 76-6-102)

- b. burglary (UCA 76-6-202)
- c. larceny or stealing (UCA 76-6-403)
- d. criminal mischief (UCA 76-6-106)
- e. battery
- f. assault (UCA 76-5-102)
- g. harassment (UCA 76-5-106)
- h. vandalism (UCA 76-6-106)
- i. hazing (UCA 76-5-107.5)
- j. participation in any activity which violates applicable school rules or federal, state or local law or ordinance, or disrupts normal school proceedings or through threats or participation in any plan or conspiracy relating to the foregoing.

IV. Determination of student disciplinary procedure:

- A. The school principal or designee shall determine if the student's behavior created **imminent danger** to people or property or if the student's behavior, **despite intent**, was in violation of the district's weapons or drug-free policy [if desired, this procedure may be used with or for a district's drug-free policy].
- B. If **YES, following personal notification to the student's parent**, the student shall (may) be suspended according to the procedure outlined in Section V of this policy.
- C. If **NO**, the student shall be subject to the procedure outlined in Section VI of this policy.

V. Immediate student suspension:

- A. A one to three day suspension or until parent is able to meet with school administrators, whichever comes first.
- B. The school may only release the suspended student to the student's parent or other adult designated by the parent.
- C. In extreme or dangerous situations, the student may be released to law enforcement personnel.

D. A school or district administrator will make earnest efforts to contact a parent to schedule a conference with the student, the student's parent, and the school administrator within 24 hours of the exclusion:

1. During the conference, the administrator shall:

- a. Review the alleged conduct by the student and present the evidence.
- b. Give the student an opportunity to respond and present relevant information or explanations.
- c. If the administrator determines that the allegations are true by a preponderance of the evidence, make a recommendation for action which may include:
 - (1) Referral of the incident to the district office for further action;
 - (2) Continuation or non-continuation of exclusion (suspension or expulsion) for a specific length of time consistent with state or federal law;
 - (3) A remedial discipline plan for the student under Section 53A-11-902(3) which outlines the requirements for reinstatement in the class, school or district and the school or administration's evaluation of alternatives to excluding the student from school;
 - (4) Expectations for parents and the school in the student's discipline plan and potential reinstatement, i.e. supervision, a behavior contract, continued participation in extracurricular school activities, on-going educational services for the student, take-home or independent study assignments, mandatory school contact or evaluation.
- d. At the conclusion of any exclusionary period, a conference will be held with the student and the student's parent at which time a behavior contract will be developed by parents, student, school personnel and other appropriate individuals.

VI. Procedures for incidents not involving weapons, drugs or imminent danger to people or property (usually handled at the school level):

- A. The school administrator shall investigate and document the charges and schedule a conference with the student as soon as possible. The parent will be notified about the impending conference.
- B. During the conference, the administrator shall:

1. Explain the allegations or violation to the student.
2. Discuss the evidence and provide the student with a reasonable opportunity to respond and present any relevant information.
3. Take appropriate action consistent with findings made by the administrator after review of the evidence and the student's response, and with applicable school and district policies and state and federal law, including laws or regulations specific to students with disabilities.
4. If a school transfer or an exclusion of more than 10 days is warranted, notify the district office or administrator of the need for a district-level hearing.
5. Advise the student and the parent about the student's rights and obligations, and the procedures for appeal of an adverse decision.

VII. District-level hearings

- A. If the student or parent does **not** concur with the school disposition of student misconduct **not** involving weapons, drugs or imminent danger **or** for student exclusion for **a second or subsequent offense** involving weapons, drugs or imminent danger:
 1. **The parent** may appeal the decision by submitting a written request to the district superintendent within 15 days after receiving notice of the decision.
 2. The superintendent or designee shall schedule the appeal hearing within 20 days of receiving the parent's request for a hearing and shall provide the parent with notice of the procedures to be followed in the hearing.
 3. The superintendent or designee shall conduct the appeal hearing at the appointed time and place. The district and the student **may** each be represented by an advocate of its choice.
 4. At the appeal hearing, each party may make statements, question witnesses, and present relevant facts and evidence. The district policy may or may not allow for additional witnesses or affidavits to be presented.
 5. The appeal hearing's conclusion(s) that affect a student's school attendance shall be decided within 48 hours following the hearing.
 6. All other issues shall be disposed of in writing within 30 days of the conclusion of the appeal hearing.
 7. These time periods may be waived upon agreement by both parties to the hearing.

8. District administrators must consider Section X, below, in making disciplinary or exclusionary decisions about students.
9. Any disposition of the appeal hearing must be consistent with state and federal law and specifically with Sections 53A-11-901 through 907.
10. District review of an exclusion is the final administrative remedy. If students or parents are dissatisfied with the administrative determination, they may appeal to a court of law.

VIII. Appropriate Use of Physical Restraint in the Enforcement of this Policy

The use of physical restraint of students within the context of this policy is only appropriate consistent with federal law, UCA Sections 53A-11-801 and 76-2-401(3), and school district policy.

IX. Gang-Related Activity

- A. School administrators and other school personnel designated by the administration shall have authority to identify student behavior as gang-related and may be allowed under district policy to treat such designated behavior as imminently dangerous to students and staff and follow the procedures outlined under Section IV of this policy for disciplining students involved in gang-related activities.
- B. In disciplining students due to gang-related activity, school administrators must act consistently with and be sensitive to Constitutional protections of freedom of expression and freedom of association.
- C. Students and parents should also be informed that courts have determined that the parameters of freedom of expression and freedom of association in a public school setting are different than in society generally.
- D. Indices of gang-related behavior or association may include, but are not limited to:
 1. wearing, possessing, using, distributing, displaying or selling any clothing, jewelry, emblem, badge, symbol, sign or other things which evidence membership in a gang;
 2. use of name associated with or attributable to a gang;
 3. designation of turf or an area for gang activities or occupation or ownership;
or
 4. any combination of the preceding activities.

[note: In 1987 the U.S. District Court of Illinois upheld board-adopted rule which included many of the previously listed indices. The court concluded that the student's right to free speech and expression was not violated by the policy because the students claimed that the only purpose in wearing earrings was to demonstrate their "individuality." Moreover, equal protection was not violated, although the policy applied only to male students, because the rule served the legitimate government objective of curtailing gangs and gang activities. In this case the identified gang behavior was male students wearing earrings.]

X. Proactive Strategies for Improving Student Behavior and to Utilize Before Excluding Students From School

- A. School administrators and other school personnel designated by the administration shall provide a written mission statement for the school that expresses clear and success oriented expectations, including specific goals. This statement should be included in a school procedures handbook and provided to parents.
- B. School administrators, teachers and staff shall use proactive intervention strategies that anticipate problem behavior before they occur. These strategies include:
 - 1. A set of objective and positive rules for the whole school that:
 - a. are clear and specific;
 - b. include the school mission statement goals;
 - c. are stated positively;
 - d. are written and posted in various entry ways and areas in the school;
 - e. number no more than five;
 - f. are reviewed frequently;
 - g. are included in a school procedures handbook;
 - h. have been presented to faculty, discussed and revised based on faculty input;
 - i. are reviewed by teacher(s), in advisory or homeroom periods or in a school assembly.
 - 2. Feedback systems that consistently inform students of their school wide

behavior. These systems shall:

- a. include positive feedback for student behaviors;
- b. inform parents of individual progress;
- c. be accurate and frequently updated.

C. School administrators shall have a school-wide behavior management program in place started at the beginning of year. This management system shall include:

- 1. a high rate and variety of positive strategies (verbal, incentives, etc.);
- 2. a variety of preplanned consequences that are both positive and reductive;
- 3. a plan for serious or crisis based extreme behavior;
- 4. high visibility of staff, teachers, and administrators throughout the common areas of the school;
- 5. anticipation of problem behaviors and early intervention by staff and administration;
- 6. a means of including and informing parents of the school-wide behavior management system;
- 7. special procedures available for students that exhibit chronic/severe behaviors including:
 - a. an effective in-school suspension program;
 - b. a special "positive principal's program";
 - c. a token economy or point system;
 - d. motivating back-up reinforcers;
 - e. behavior contracts;
 - f. group contingencies;
 - g. level systems.

D. School administrators, supported by teachers and staff, shall have in place a consistent and written homework policy that include provisions for:

1. informing and actively involving parents;
 2. requirements for students placed on in-school suspension, suspension or expulsion status;
 3. accommodations for slow learners, at-risk and special education students.
- E. School administrators, teachers and staff shall participate in a school-wide collaboration program that includes:
1. parent involvement in activities such as parent training or a parent improvement committee;
 2. involvement with other agencies to ensure quality care for students;
 3. activities that facilitate faculty cohesiveness, morale, training in dealing with student behavior and academic problems;
 4. modeling of the desired behavior by building administrators, teachers and staff.